

Appl. No.10/773,788

Attorney Docket No.: 113394 CON

REMARKS**Status of Claims**

Numerous claims were canceled in response to the Office action mailed 09/29/2008—not because applicant necessarily agreed with the grounds of rejection but because certain other claims had been deemed allowable and applicant desired to move this application forward to issuance with those claims that had been allowed, while reserving the right to pursue the canceled claims, or claims similar to them, in a continuing application.

In the latest Office action, mailed 03/17/2009, the claims previously deemed allowable were rejected, leaving no claims allowed.

With the application in this status, applicant desires to renew prosecution with claims based on those that were pending when the Office action of 09/29/2008 was issued—namely the claims that had been presented by applicant in his paper dated 07/24/2008. Since claims, once canceled cannot be re-instated, applicant has canceled all claims and has added new claims 39-60, which correspond generally to various ones of applicant's claims as presented on 07/24/2008. For the Examiner's convenience, the table below shows that correspondence between new claims 39-60 and claims presented 07/24/2008.

In presenting these new claims, applicant has added limitations in order to more clearly distinguish the invention from the Galasso and thus from any combination of Galasso with other prior art. Various other amendments have been made in several of the dependent claims to more clearly and/or accurately define that which applicant regards as the invention defined by those claims.

New Claims	Canceled Claims
39	1
40	2
41	5
42	6
43	8
44	10
45	11
46	20

New Claims	Canceled Claims
47	22
48	23
49	24
50	25
51	26
52	27
53	29

New Claims	Canceled Claims
54	30
55	31
56	32
57	33
58	35
59	37
60	38

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Review of the Relevant Prosecution History

Since independent claims 39, 46 and 54 correspond to canceled claims 1, 20 and 30, it is believed helpful to first quickly summarize the prosecution history relating to the latter claims 1, 20 and 30.

Specifically, applicant had argued in applicant's RESPONSE of 07/24/2008 that claims 1, 20 and 30 distinguished from Galasso by reciting that each of the recited gatekeepers in applicant's distributed gatekeeper architecture has its own one or more associated "subscriber terminals" or "communicating entities." (Applicant's RESPONSE of 7/24/08, p. 11.) Applicant had argued that these limitations precluded a reading of applicant's claims on Galasso because Galasso's "second" gatekeeper 570 (FIG. 3) does not have any such associated "subscriber terminals" or "communicating entities."

In response, Examiner Duong asserted in the subsequent Office action of 09/29/2008, that applicant's claim language could nonetheless be read on Galasso because Galasso's gatekeepers 550, 570 and 560 "are each connected to one or more associated subscriber terminals via one or more networks [Office Action p. 3, lines 3-4]."

Responsive to this argument, applicant's new independent claims 39, 46 and 54 contain limitations not present in the corresponding claims 1, 20 and 30 that preclude any reading of applicant's claims on Galasso.

New Independent Claims 39, 46 and 54

Claims 39, 46 and 54 distinguish applicant's invention from Galasso in at least two respects.

Communication Path Does Not Include Any Other Gatekeeper

Firstly, claims 39, 46 and 54 recite that each of applicant's gatekeepers communicates with its respective associated subscriber terminals (or communicating entities) over a communication path "that does not include any other gatekeeper."

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(Claim 39, lines 12-14; claim 46, lines 15-18; claim 54, lines 19-22.) Even if Galasso's gatekeeper 570 can be said to communicate with other gatekeepers' subscriber terminals "via one or more networks," as asserted in the 09/29/2008 Office action, any path for communications between gatekeeper 570 and any terminal in Galasso always includes at least one other gatekeeper, contrary to applicant's claims.¹

**Communication Between "Associated" Terminals Passes
Only Through "Associated" Gatekeeper**

Moreover, claims 39, 46 and 54 *further* distinguish applicant's invention from Galasso by reciting that the communication between the subscriber terminals or communicating entities associated with each of the first, second and third gatekeepers passes through no gatekeeper other than the associated gatekeeper. (See claim 39, lines 17-22; claim 46, lines 21-27; claim 54, lines 23-30.)

Of course, it is true that certain of the gatekeepers in Galasso and their associated subscriber terminals do meet this claim language, such as the gatekeeper in Galasso's zone 510 shown in FIG. 3, as reproduced below. For pedagogic convenience, applicant has added **T** for terminals and **G** for gatekeepers consistent with Galasso's FIG. 1.

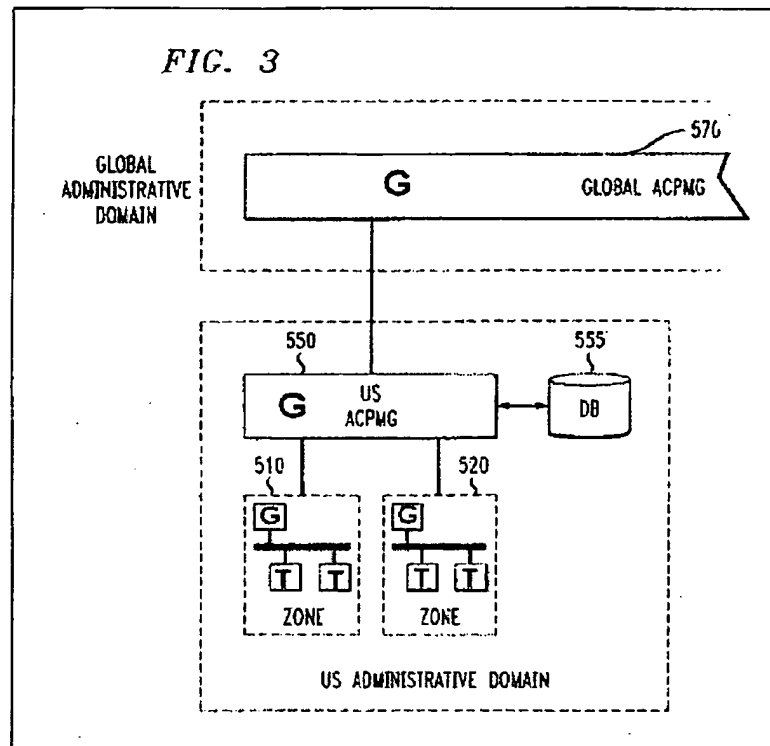
However, the story is different with respect to Galasso's "second" gatekeeper 570.

Firstly, Galasso's gatekeeper 570 cannot be said to have any "associated" terminals. As already noted, applicant's claims require that in order for a terminal to be "associated" with a gatekeeper, the communication path between them "does not include any other gatekeeper." (Claim 39, lines 12-14; claim 46, lines 15-18; claim 54, lines 19-22.) No such terminal exists in Galasso relative to Galasso's "second" gatekeeper 570.

¹ There is no reason for Galasso's global gatekeeper 570 to have any subscriber terminals of its own; its job is to serve other gatekeepers by facilitating communications at a global level between domain-level gatekeepers in, for example, the U.S. and Europe)

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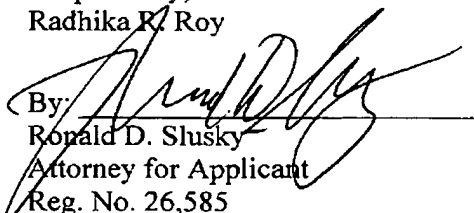
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Moreover, even if any particular pair of terminals in Galasso could somehow be said to be “associated” with gatekeeper 570, any communications between those two terminals would have to pass through at least two gatekeepers, again contrary to applicant’s claims.

Reconsideration is requested.

Respectfully,
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